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17 COYNESS L. ENNIX, JR., M.D.

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 COYNESS L. ENNIX, JR., M.D., as an
21 individual and in his representative capacity
22 under Business & Professions Code Section
17200 et seq.,

23 Plaintiff,

24 v.

25 RUSSELL D. STANTEN, M.D., LEIGH I.G.
26 IVERSON, M.D., STEVEN A. STANTEN,
27 M.D., WILLIAM M. ISENBERG, M.D.,
Ph.D., ALTA BATES SUMMIT MEDICAL
CENTER and does 1 through 100,

28 Defendants.

CASE NO. C 07-2486 WHA

**JOINT DEPOSITION SCHEDULE
FOR NON-EXPERT WITNESSES**

DEPT: Ctrm. 9, 19th Flr.

JUDGE: Hon. William H. Alsup

COMPLAINT FILED: May 9, 2007

TRIAL DATE: June 2, 2008

I. INTRODUCTION.

Counsel for the respective Parties (G. Scott Emblidge, Maureen McClain and Matthew Vandall) met on August 27, 2007 to discuss a joint schedule for non-expert depositions and other discovery issues.¹

Plaintiff believes it is extraordinarily difficult to accurately predict the timing of depositions that plaintiff will need to take because, as of this date, defendants have not provided documents listed in defendants' initial disclosures² and the parties have disagreements regarding the scope of initial written discovery served by Plaintiff on 8/17/07. Defendant Medical Center (the only remaining defendant in the action) notes that it has represented it will promptly provide initial disclosure documents, and will act as expeditiously as possible in providing information responsive to the pending interrogatory requests, within what it believes to be a permissible scope of discovery. Plaintiff disagrees with the Medical Center's view of what constitutes "a permissible scope of discovery."

II. DEPOSITION SCHEDULE.

A. Proposed Schedule for Plaintiff.

<u>Date</u>	<u>Deponent</u>
September-October 2007	Person Most Knowledgeable re the Process of Peer Review at Summit Medical Center.

¹ As set forth in the parties' Joint Case Management Conference Statement, the Parties disagree regarding limitations on discovery. Defendants have asserted the position that all F.R.Civ.P. limitations should be followed; Plaintiff takes the position that there should be 20 (rather than 10) non-expert depositions and up to 50 interrogatories. The Parties will present such dispute to the Court, if necessary.

² Plaintiff has responded to an initial request for production of documents, and believes he has produced many, if not all, of the documents identified by his initial disclosures.

1 2 3 4 5 6 7	October-November 2007	Depositions of Drs. Isenberg, R. Stanten, S. Stanten and Iverson; Deposition of Person Most Knowledgeable re peer review actions taken by the Summit Medical Staff in a delineated time frame.
8 9 10 11 12 13	November-December 2007	Deposition of the Chair of the Ad Hoc Committee conducting the peer review of Plaintiff and one or more of the NMA reviewers, as well as others involved in Plaintiff's peer review. ³
14 15 16 17 18	December 2007-January 25, 2008	Others who Plaintiff determines should be deposed, based upon information obtained in discovery through such time.

19 **B. Proposed Schedule for the Defense.**

20	<u>Date</u>	<u>Deponent</u>
21 22 23 24 25	October 2007	Kaiser physician who conducted initial review of the minimally invasive valve procedures performed by Plaintiff in early 2004.

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27 ³ The Parties at this stage in the litigation are using descriptions of individuals' functions rather than names to preserve the confidentiality of the peer review process.

1 2 3 4 5 6 7	November-December 2007	Some of the individuals who provided reports for Plaintiff (to be selected from the following individuals: Dr. Bruce Reitz, Dr. John Rea, Dr. J.C. Walkes, Dr. Bruce Lytle, Howard Barkan, Dr.PH, Richard Shaw, Ph.D.)
8 9 10 11 12	December 2007-January 25, 2008	Others who the defense determines should be deposed based on information obtained in discovery through such time.

13 DATED: September 4, 2007

KAUFF McClAIN & McGUIRE LLP

15 By: /S/ MAUREEN E. McClAIN
MAUREEN E. McClAIN

17 Attorneys for Defendants
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18 CENTER, RUSSELL D. STANTEN, M.D.,
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19 STANTEN, M.D., and WILLIAM M.
ISENBERG, M.D., Ph.D.

20 DATED: September 4, 2007

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24 Attorneys for Plaintiff
COYNESS L. ENNIX, JR., M.D.⁴

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27 ⁴ The filer of this document attests that G. Scott Emblidge concurs in the filing of this document
28 in accordance with General Order No. 45.